

Our Reference: VMA-329-B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marian E. Clark, et al.
Serial Number: 09/426,651
Filing Date: October 25, 1999
Examiner/Art Group Unit: C. Cohen/3634
Title: ELECTRIC CONTROL AND
METHOD FOR POWER SLIDING
VAN DOOR WITH REAR-CENTER-
MOUNTED DRIVE

AMENDMENT AFTER FINAL REJECTION

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 25-0115.

The Office Action dated October 11, 2000 has been received and carefully reviewed. Please amend the above-identified patent application as indicated below.

In the claims:

Please cancel claims 1 - 3 and 5 - 8 without prejudice.

- 1 9. An apparatus for controlling movement comprising:
- 2 a moveable member for movement along a fixed path of travel
- 3 between first and second end limits of movement;
- 4 first means including a reversible electric motor for selectively
- 5 driving the moveable member in a first direction and in a second direction
- 6 opposite from the first direction along the fixed path of travel;

7 at least one sensor disposed between the first means and the
8 moveable member for generating at least one input signal corresponding to
9 motion of the moveable member along the fixed path of travel;

10 control means responsive to said at least one input signal for
11 selectively actuating said first means in accordance with a control program;

12 a clutch disposed between the reversible electric motor and the
13 moveable closure;

14 a motion sensor mounted to a portion of the clutch for sensing
15 movement of the clutch when the moveable member moves along the fixed
16 path; and

17 the control means including means for controlling a speed of
18 the moveable member while moving between a first position and a second
19 position along the fixed path in response to said motion sensor mounted to
20 the portion of the clutch disposed between the reversible electric motor and
21 the moveable member.

1 10. The apparatus of claim 9 further comprising:
2 the control means including means for detecting an
3 obstruction along the fixed path of the moveable member while the moveable
4 member is moving between a first position and a second position in
5 response to said motion sensor connected to the portion of the clutch
6 disposed between the reversible electric motor and the moveable member.

REMARKS

After entry of this amendment, claims 9 - 10 and 21 - 30 are pending in the application. Claim 9 has been amended into independent form including all of the limitations of the base claim and any intervening claims. Claim 10 has been amended to depend from claim 9. Reconsideration of the application as amended is requested.

In the Office Action dated October 11, 2000, the Examiner indicated that claims 1 - 10 and 21 - 30 stand rejected under the judicially

created doctrine of double patenting over claims 1 - 11 of U.S. Patent No. 5,979,114 and over claims 1 - 11 of U.S. Patent No. 5,906,071. It is submitted that a suitable terminal disclaimer will be provided upon an indication of allowable subject matter by the Examiner. Reconsideration of the Examiner's rejection is requested.

Claims 9 and 10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kawanobe (U.S. Patent No. 6,087,794). It is submitted that the Kawanobe reference is not prior art to the present application as recited in claims 9 and 10. In particular, the Kawanobe reference has a foreign priority date of January 30, 1997, while the present application claims priority back to July 12, 1995. It is submitted that the subject matter of claims 9 and 10 can claim priority at least as early as December 20, 1995 in Serial No. 08/575,643 as described in the original filed application on Page 11, second paragraph through Page 12 and Page 14. Withdrawal of the Examiner's rejection based on the Kawanobe '794 reference is requested.

Claims 21 - 30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Faubert et al. (U.S. Patent No. 6,079,767). It is submitted that the Faubert et al. reference is not prior art with respect to the present application as recited in claims 21 - 30. In particular, the Faubert et al. reference was filed on June 29, 1999, which is after the priority date of October 1, 1998 of the parent application of the present application. The present application is a divisional of Serial No. 09/164,681 filed on October 1, 1998 and includes all of the subject matter of that application. Therefore, the Faubert et al. reference is not prior art and is not properly used as a basis for rejecting claims 21 - 30 of the present application as asserted by the Examiner. Reconsideration of the Examiner's rejection is requested.

Based on the amendment to the claims placing claim 9 in independent form including all of the limitations of claim 1 and amending claim 10 to depend from claim 9, it is submitted that claims 9 and 10 are in suitable condition for allowance, since the Kawanobe '794 reference cannot

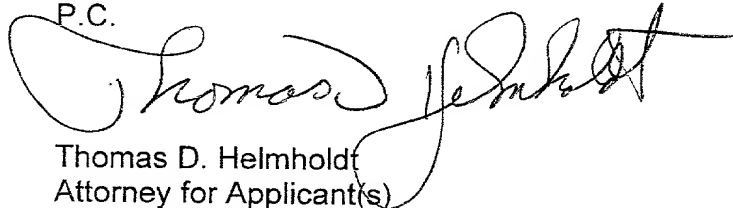
properly be applied as prior art against these claims. In addition, it is submitted that claims 21 - 30 are in suitable condition for allowance, since the Faubert et al. '767 reference cannot properly be applied as prior art against claims 21 - 30. Withdrawal of the finality of the last Office Action and the issuance of the a new Office Action indicating the allowability of claims 9 - 10 and 21 - 30 is requested.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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TDH/dge/cmp

1 9. (Twice Amended) [The] An apparatus for controlling
2 movement [of claim 1 further] comprising:
3 a moveable member for movement along a fixed path of travel
4 between first and second end limits of movement;
5 first means including a reversible electric motor for selectively
6 driving the moveable member in a first direction and in a second direction
7 opposite from the first direction along the fixed path of travel;
8 at least one sensor disposed between the first means and the
9 moveable member for generating at least one input signal corresponding to
10 motion of the moveable member along the fixed path of travel;
11 control means responsive to said at least one input signal for
12 selectively actuating said first means in accordance with a control program;
13 a clutch disposed between the reversible electric motor and the
14 moveable closure;
15 a motion sensor mounted to a portion of the clutch for sensing
16 movement of the clutch when the moveable member moves along the fixed
17 path; and
18 the control means including means for controlling a speed of
19 the moveable member while moving between a first position and a second
20 position along the fixed path in response to said motion sensor mounted to
21 the portion of the clutch disposed between the reversible electric motor and
22 the moveable member.

1 10. (Twice Amended) The apparatus of claim [1] 9 further
2 comprising:
3 [a clutch disposed between the reversible electric motor and
4 the moveable member;
5 a motion sensor mounted to a portion of the clutch for sensing
6 movement of the clutch when the moveable member moves along the fixed
7 path; and]

8 the control means including means for detecting an
9 obstruction along the fixed path of the moveable member while the moveable
10 member is moving between a first position and a second position in
11 response to said motion sensor connected to the portion of the clutch
12 disposed between the reversible electric motor and the moveable member.

Patented 8/22/2006